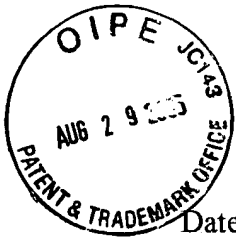


08-31-05

DAC
Ifw



CERTIFICATE OF MAILING BY "EXPRESS MAIL"

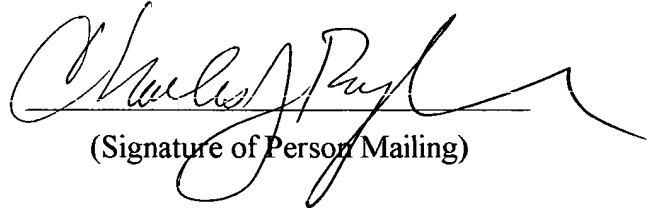
"Express Mail" Mailing Label Number: EQ 163900670 US

Date of Deposit: August 29, 2005

I hereby certify that this paper and/or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR § 1.10 on the date indicated above and is addressed to:
Mail Stop: 313(c), Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450.

Charles J. Rupnick

(Typed or printed name of person mailing)



(Signature of Person Mailing)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 10/761,931
Inventor : Larry D. King, et al.
Filed : January 15, 2004
TC/A.U. : 3662
Examiner : John B. Sotomayor

Confirmation No.: 2149

Docket No. : H0005791
Customer No. : 00128

Mail Stop: 313(c)
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Petition Under 37 C.F.R. § 1.313 to Withdraw Application From Issue

Sir:

The Applicant hereby petitions under 37 CFR § 1.313 (c)(2) for withdrawal of the instant application from issue after the issue fee has been paid for consideration of a request for continued examination in compliance with 37 C.F. R § 1.114.

Remarks/Arguments begin on page 2 of this paper.

REMARKS/ARGUMENTS

The instant application has been allowed and the issue fee has been paid. However, after payment of the issue fee, the Applicant received results of an international search carried out in corresponding international patent application number PCT/US2005/001178 filed under the Patent Cooperation Treaty on January 14, 2005.

The Applicant respectfully petitions to withdraw the instant application from issue.

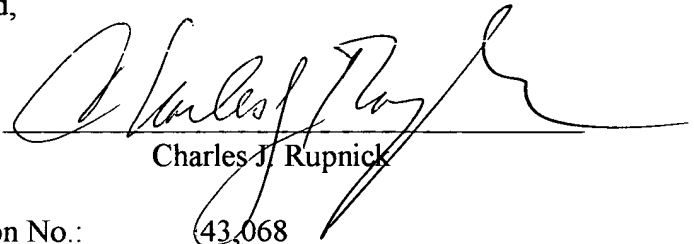
The Applicant files herewith a request for continued examination (RCE) for consideration of an Information Disclosure Statement filed therewith that discloses the international search results described above.

The petition fee as set forth by 37 C.F.R. § 1.17(h) is enclosed herewith.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

Attorney:



Charles J. Rupnick

Registration No.: 43,068
Date: August 29, 2005
Post Office Address: PO Box 46752
Seattle, WA 98146
Telephone: (206) 439-7956
Facsimile: (206) 439-3223

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/761,931
Filing Date	January 15, 2004
First Named Inventor	Larry D. King
Art Unit	3662
Examiner Name	John B. Sotomayor
Attorney Docket Number	H0005791

Enclosed is a petition filed under 37 CFR 1.313(c)(2) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130 is enclosed.

This form should be included with the above mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)

☐ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. _____:

☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☐ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.

☒ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

Petition Fees under 37 CFR 1.17(f): Fee \$400 - Fee Code 1462

For petitions filed under:

§ 1.53(e) - to accord a filing date.

§ 1.57(a) - to accord a filing date.

§ 1.182 - for decision on a question not specifically provided for.

§ 1.183 - to suspend the rules.

§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

§ 1.12 - for access to an assignment record.

§ 1.14 - for access to an application.

§ 1.47 - for filing by other than all the inventors or a person not the inventor.

§ 1.59 - for expungement of information.

§ 1.103(a) - to suspend action in an application.

§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 - for review of refusal to publish a statutory invention registration.

§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.

§ 1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.

§ 5.12 - for expedited handling of a foreign filing license.

§ 5.15 - for changing the scope of a license.

§ 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.

§ 1.84 - for accepting color drawings or photographs.


§ 1.91 - for entry of a model or exhibit.

§ 1.102(d) - to make an application special.

§ 1.138(c) - to expressly abandon an application to avoid publication.

§ 1.313 - to withdraw an application from issue.

§ 1.314 - to defer issuance of a patent.


Signature
Charles J. Rupnick
Typed or printed name

August 29, 2005

Date

43,068

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.